

STATE OF MICHIGAN
COURT OF APPEALS

In the Matter of IMANI RENEE CLARK, Minor.

DEPARTMENT OF HUMAN SERVICES, f/k/a
FAMILY INDEPENDENCE AGENCY,

UNPUBLISHED
April 20, 2006

Petitioner-Appellee,

v

CECILIA CLARK,

Respondent-Appellant,

and

WILLIE EVANS,

Respondent.

No. 264644
Wayne Circuit Court
Family Division
LC No. 04-428977-NA

Before: Murphy, P.J., and O'Connell and Murray, JJ.

MEMORANDUM.

Respondent-appellant appeals as of right from the trial court order terminating her parental rights to the minor child under MCL 712A.19b(3)(a)(ii), (c)(i), (c)(ii), and (g). We affirm.

Respondent-appellant argues that the court erred in admitting improper hearsay evidence, thereby violating her due process rights. However, the evidence was not challenged below and, therefore, the argument was not preserved for appeal. Moreover, there was no plain error because hearsay evidence can be properly admitted at a termination hearing to support a claim for termination based on circumstances related to the basis upon which the court initially took jurisdiction of a child. MCR 3.977(G)(2); *In re Snyder*, 223 Mich App 85, 89-90; 566 NW2d 18 (1997). Here, the challenged testimony clearly indicated that the same conditions that existed at adjudication, notably respondent-appellant's substance abuse, neglect, lack of housing, and unemployment, still existed at the time of the termination hearing. Furthermore, admissible evidence had been presented at previous dispositional hearings and reflected respondent-appellant's failure to improve conditions and comply with the treatment plan. Respondent-

appellant's due process rights were not violated as the evidence was fair, reliable, and trustworthy. *In re Hinson*, 135 Mich App 472, 475; 354 NW2d 794 (1984).

Affirmed.

/s/ William B. Murphy

/s/ Peter D. O'Connell

/s/ Christopher M. Murray